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The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Arbitrary Revocation of Citizenship in Bahrain

Making a person stateless is clearly prohibited by international law. Article 15 of the Universal Declaration of Human Rights (UDHR) states that "Everyone has the right to a nationality" and "No one shall be arbitrarily deprived of his nationality." Nevertheless, nationality revocation is not limited as an issue of one country, or a specific region.

Over the last few years, however, Bahrain has intensified the use of stripping citizenship from those who dissent or speak out in protest as a form of punishment. In addition to decisions by the Ministry of Interior to revoke nationality, court judges have also increasingly handed down sentences that included the revocation of nationality, mostly in cases where defendants were convicted of terrorism-related offences. As a consequence, until January 2018, the Bahraini authorities have made 551 Bahraini citizens stateless, many of whom were living in exile.

Domestic and International Law on Citizenship

Revoking or Stripping citizens of their nationality on the basis of vague allegations without due process protections is arbitrary and in violation of Bahrain's international human rights obligations. The right to a nationality, which must not be deprived arbitrarily, is enshrined in Article 15 of the Universal Declaration of Human Rights (UDHR) and Article 24 of the International Covenant on Civil and Political Rights (ICCPR) to which Bahrain is a state party. Article 15 of UDHR explicitly refers to a right to citizenship, declaring, "Everyone has the right to a nationality" and that "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Likewise, Article 7 of the 1961 Convention on the Reduction of Statelessness also prohibits, with only a very few very tightly drawn exceptions, any loss of nationality which results in statelessness.

Meanwhile, the Bahraini Constitution stipulates under Article 17 that a "person inherently enjoying his Bahraini nationality cannot be stripped of his nationality except in case of treason, and such other cases as prescribed by law." Subsequently, the obligation to avoid statelessness has been recognized as a norm of customary international law and the Constitution of Bahrain.

Revocation of citizenship in Bahrain

The stripping of nationality, however, has been an instrument for the Bahraini government to punish any political dissidents and to repress popular uprisings. The Bahraini authorities allegedly allow the Interior Minister to carry out revocation of citizenship through its Nationality Act 1963, Article 10(3), in particular, which allows for the deprivation of nationality of persons that are causing "damage to the security of the state". The authorities have thus unlawfully used this Act to punish dissidents, activists, clerics, and scholars, the vast majority of whom have never committed a crime or prosecuted.

Consequently, in total, more than 551 Bahrainis have been revoked their citizenship. Most recently, on 31 January 2018, the Bahraini court stripped 47 of defendants of their nationality, accusing them of "forming a terrorist group," while forcibly expelling 4 citizens (Ismail and Ibrahim Darwish brothers, Adnan Kamal and Habib Darwish) whose nationality was revoked in 2012, to a foreign country.

Revocation of citizenship as a social death

The revocation of citizenship might severely impact on the victims and their families and put a strain on various facets of their lives. It deprives their rights to work, to travel, and to identify, and precludes them from accessing benefits for basic social services, eventually forcing them to exposure to a situation of immigration and asylum. The impacts of the citizenship revocation are especially harmful to children, as they may be born stateless or fall into such predicament later in life, which would deprive them of fundamental rights to safety and security and deny their access to basic medical care and education.

The revocation of citizenship in Bahrain often follows and is followed by arrests, detentions, interrogations and criminal charges, causing serious human rights violations. Citizenship revocation has profoundly affected the lives and wellbeing of thousands of people throughout the world. Under the threat of citizenship revocation, Bahrainis have been restricted in the exercise of their legitimate rights to freedom of expression, freedom of association and assembly, and freedom of religion or belief.

Citizenship is the most basic and fundamental right of every individual. Losing one's nationality means a social death. The possession of citizenship should not be understood as privilege or reward for allegiance, and its revocation should not be wielded as a weapon of control and oppression. The citizenry is above government, not vice versa. Citizenship revocation only enhances the discretionary and arbitrary power of the executive authority.

Recommendations

- The government of Bahrain should immediately and unconditionally restore citizenship to all those were unfairly stripped of their citizenship without resource to due process in law.
- The Bahraini authorities should end the practice of revoking nationality as a method of reprisal against political opponents.
- The government of Bahrain should ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.
- The international community should push the Bahraini authorities to correctly comply with signed and ratified international treaties and declaration which confer on a citizen of Bahrain the right to a nationality.
- The UN member countries should urge the Bahraini government to accept and allow the visits of the UN Special Rapporteurs to meet with those that have been victims of the stripping of nationality.